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REPORT ON THE SECOND WORKSHOP ON MULTICULTURALISM IN AFRICA: PEACEFUL AND CONSTRUCTIVE GROUP ACCOMMODATION IN SITUATIONS INVOLVING MINORITIES AND INDIGENOUS PEOPLES KIDAL, MALI 8-13 JANUARY 2001

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I. INTRODUCTION

1. The second workshop on multiculturalism in Africa was held at the Town Hall of Kidal, Mali from 8 to 13 January 2001. The proposal to hold seminars on minority and indigenous peoples' issues in Africa had been made by both the Working Group on Minorities and the Working Group on Indigenous Populations and endorsed in resolutions 2000/16, 1999/19 and 1999/20 of the Sub-Commission on the Promotion and Protection of Human Rights. The seminar was organized by the Agency for Cooperation and Research in Development (ACORD), based in Kidal, and the Chairpersons of the United Nations Working Groups on Minorities and on Indigenous Populations in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNDP Bamako.

2. The Chairpersons of the two United Nations working groups and ACORD invited participants from organizations of indigenous peoples and minorities, universities and research institutes, human rights organizations, peoples and communities. OHCHR also invited the Permanent Missions in Geneva of countries in the African region and relevant United Nations departments, organizations and specialized agencies to send representatives to the workshop. The list of the participants is contained in Annex 1 of the present report.

II. OPENING OF THE WORKSHOP

3. The seminar was opened by the Mayor of Kidal, Mr. Al Abasseag Intalla, who said that development and social justice were the two most pressing issues in the region and that it was important to incorporate indigenous needs into development strategies in order to achieve sustainable socio-economic progress. The representative of ACORD, Mr. Ahmed Mohamed Ag Guidi, welcomed the participants and explained that around 41 nomadic and 4 sedentary communities lived in the region of Kidal. He said that even though concepts with regard to minorities and ethnic groups differed according to the context, development strategies and plans had to take into account the sociocultural dimension in order to integrate the needs of minorities and different ethnic groups.

4. Mr. José Bengoa, a member of the United Nations Working Group on Minorities welcomed the participants on behalf of the Working Group on Minorities and the Working Group on Indigenous Populations, saying that the workshop was a continuation of the discussions that took place during the Seminar on Multiculturalism in Africa, held in Arusha, United Republic of Tanzania from 13 to 15 May 2000. He stressed that it was important to link the discussions of the two Working Groups to concrete local experience and said that he was there to listen to the problems and solutions proposed by all participants.

5. The President of the Regional Assembly of Kidal, Mr. Manayate Ag Mohamed, also welcomed the participants. He said that the mix of minorities and multiculturalism in the region made Kidal a good venue for the seminar. He said that the region had some natural resources, but its inhabitants lacked education, training and investment. He hoped that the seminar would help to spread information about the region and overcome its reputation as a region posing security problems.

6. The Vice-Chairperson of the African Commission on Human and Peoples' Rights, Mr. Rezag Bara, expressed his hopes that the workshop would constitute an opportunity to discuss the cultural and social aspects of indigenous peoples' and minorities' rights.

7. A representative of OHCHR expressed his thanks to ACORD and UNDP Bamako for the organization of the seminar. He said that it was an important opportunity for horizontal cooperation between the various indigenous peoples and minority groups and that OHCHR would disseminate the conclusions and recommendations of the workshop. He introduced the agenda of the workshop, which consisted of the following four themes: (a) an overview of multiculturalism in West Africa and experiences elsewhere in Africa; (b) customary and traditional arrangements for maintaining good relations among different peoples in the region; (c) development in a multicultural environment; (d) the role of international and regional organizations and activities, including the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

8. At the conclusion of the opening meeting, the participants invited Mr. Hassan Id Balkassam, representing the New Association for Popular Arts and Culture (ANCAP-Tamaynut), Morocco to act as Chairperson-Rapporteur of the workshop. Mr. Id Balkassam thanked the group in the local language and French. He said that he wanted to encourage the group to exchange information, reflect on problems, elaborate recommendations and to act at the local, national and regional levels. The agenda and programme of work were adopted.

9. The participants introduced themselves and the work of their organizations. The representative of the African Commission on Human and Peoples' Rights, Mr. Kamel Rezag Bara, explained that the African Commission had formed a working group on indigenous populations constituted by four of its members. The objective of the working group was to elaborate principles for an African approach to indigenous peoples which might result in the elaboration of an optional protocol to the African Charter on Human and Peoples' Rights.

10. Mr. Id Balkassam, from the New Association for Popular Arts and Culture, welcomed the establishment of a working group on indigenous populations by the African Commission and recommended that non-governmental organizations dealing with indigenous and minority issues be invited to participate. He also suggested that a fund be set up to assist representatives of African indigenous peoples and minorities to participate in the new working group and recommended that the African Commission also consider establishing a working group on minorities.

III. OVERVIEW OF MULTICULTURALISM IN WEST AFRICA AND EXPERIENCES ELSEWHERE IN AFRICA

11. Under the first item on the agenda, Ms. Samia Slimane (expert) presented a background paper entitled "The rights of peoples in Africa: towards the recognition and protection of ethnic, religious and linguistic identity". In her presentation of the document, she said that African States consisted of a variety of ethnic, religious and linguistic groups, but that that cultural wealth, rather than being seen as an asset, had often been the source of tensions, even conflicts, among the different communities. She stressed that the mechanism for conflict prevention,

management and resolution established by the Organization of African Unity in 1993 had failed to integrate an ethnic dimension in its approach despite it being a crucial element in the relationship between human rights and social and political stability in Africa. Nevertheless, she observed that the practice of the African Commission on Human and Peoples' Rights did take into consideration the issue of indigenous peoples more particularly in the Commission's guidelines for the presentation of State reports. She noted, however, that the conceptual approach to peoples' rights in the Charter remained confused and she regretted that the Commission had not yet defined this concept in the African context. Finally, she remarked that Cameroon was the only West African State that had integrated the State's obligation to ensure the protection of minorities and uphold indigenous peoples' rights into its Constitution. She concluded that the African constitutional discourse was in essence unitary because States feared ethnic divisions. However, she believed that States could easily adopt legal practices that took into account the variety of identities present in the continent.

12. Mr. Id Balkassam, from the New Association for Popular Culture and Arts (ANCAP-Tamaynut), said that the Constitutions of most African countries did not recognize the cultural rights of indigenous peoples, including the right to use one's own language. In that context, he remarked that Algeria had recognized the Amazigh dimension of Algerian culture in its Constitution in 1996. He stressed that it was important to integrate indigenous and minority languages into the national educational and administrative systems. He explained that his organization was defending the Amazigh language and culture and had participated in the international arena during and since the holding of the World Conference on Human Rights in Vienna in 1993. In 1994, several Amazigh organizations had decided to create the World Congress of Amazigh Peoples. Since then his organization had worked with human rights and cultural organizations on the basis of article 27 of the International Covenant on Civil and Political Rights and ILO Convention No. 169 concerning indigenous and tribal peoples, had organized seminars in Morocco on human rights, including the rights of indigenous women, and had translated ILO Convention No. 169 into Amazigh.

13. Mr. Kamel Rezag-Bara said that the African Charter used the term "peoples", but that the term had to be interpreted from a historical perspective within the framework of the independence movement, when "peoples" were fighting for liberation from colonization. The problems of minorities and indigenous peoples were closely linked to the creation of nation States whose frontiers were arbitrary and largely inherited from the colonial period. The African Charter on Human and Peoples' Rights was based on the legal framework of the nation State. He also noted that the concepts of "indigenous peoples" and "minorities" posed problems, in particular as to which groups in Africa should be identified under these terms. He drew attention to the risks of ethnic violence and the disintegration of States and the importance of a multicultural approach in dealing with minority rights. In that respect, he recommended focusing the debate on cultural rights and said that those rights should be linked to the notion of citizenship.

14. Mr. Id Balkassam said that the term "peoples" was a dynamic concept and that in the future it might be developed under the African Charter to refer not only to nation States but also to indigenous peoples. He underlined that important international developments had already taken place, such as the elaboration of ILO Convention No. 169, the adoption of the minority

rights declaration, and the establishment of a permanent forum on indigenous issues in the United Nations. He stressed, however, the need for national debates on minority and indigenous rights.

15. Ms. Aichatou Ben Wahab from the Niger Women's Coalition Against War explained that the Tuareg in Niger had demanded a decentralized State system in which they would have a degree of autonomy and participation in the State structure, for example by being part of the national army. She rejected the concept of "minorities", as she believed Governments often used the term to divide and rule. She recognized that the situation of the Tuareg in Niger had now improved, as they were now represented in government. She welcomed the decision to allow people to vote where they lived, a measure which had improved the participation of nomads in elections.

16. Dr. Mariam Maiga, President of the Coalition Nationale de la société civile pour la paix et la lutte contre la prolifération des armes légères in Mali said that coexistence among different ethnic groups was usually regulated by traditional norms and values and that ethnic conflicts were often caused by external rather than internal factors. In her view, the rights of minorities had to be accepted by the majority population if the process of reconciliation was to work successfully. For such a consensus to be reached, she argued, the whole population needed to appreciate more fully the protection afforded to all citizens under the Constitution and to understand better the rights accorded to citizens, which should include consideration of the question of minority rights.

17. Mr. Rhissa Ag Rotbou, a teacher from Kidal, defined minorities as those groups that were excluded from important processes and resources in society, such as development, decision-making, information and the means of production. He said that the Tuareg had limited access to the national administration and the armed forces in his country. In his view, customary ways of conflict resolution were important; however, they had often been manipulated for political purposes.

18. Mr. Allareny Camara, representing the Guinean Organization for the Defence of Human and Citizens' Rights, Guinea, explained that since 1958 ethnic cleavages had been used in his country for electoral purposes, when leaders sought support from their ethnic group and tried to de-legitimize the opposition on the basis of their ethnic origin. Parties had been radicalized around ethnic origin and ethnic identity was now used to mount attacks against opponents. He explained that intolerance and racism had increased in his country owing to incursions by rebels from neighbouring Sierra Leone in frontier areas. In order to protect and integrate minorities, he argued for a strengthened rule of law and the installation of an independent and effective judicial system, the re-creation of a culture of peaceful coexistence through education, and the rehabilitation of traditional forms of conflict management through the creation of councils of elders.

19. Ms. Lucy Mulenkei, from the Indigenous Information Network in Kenya, underlined the importance of identifying minorities in order to protect them from abuse and marginalization, and suggested that guidelines should be elaborated on how to identify minorities and indigenous groups. She also regretted that so few African States took part in the Working Group on

Indigenous Populations and suggested that the African Commission on Human and Peoples' Rights should encourage African States to participate more in the United Nations work on indigenous peoples.

20. Mr. Kamel Rezag Bara suggested that cooperation between the African Commission and OHCHR and such bodies as the Working Group on Indigenous Populations should be strengthened.

21. Ms. Teody Lotto, representing the Sudanese Women's Voice for Peace, said that the civil war in the Sudan was the forgotten war of Africa. She explained that the Sudanese war was not a result of religious cleavages, but of the denial of human rights in general and the right to development in particular, and appealed to the African Commission on Human and Peoples' Rights to defend human rights in the Sudan. She referred to the important roles of the councils of elders and of older women that had traditionally promoted dialogue, mediation and arbitration in cases of inter-ethnic conflict in the Sudan.

22. Mr. Richard Ofotsu Apronti, representing the Ghana Committee on Human and Peoples' Rights, said that citizenship was linked to the notion of national territory and that common measures such as free education for all would help to create a peaceful multicultural society. He cited the example of the Pan African Cultural Festival to show that cultural assertiveness and unity could go together. He stressed that customary ways of conflict resolution should be strengthened, as well as governmental institutions that promoted culture.

23. Ms. Saoudata Aboubacrine, President of the Tuareg organization, Tin Hinan, in Burkina Faso, said that Tuaregs had a common identity that was expressed through a common culture, language and land, and that that common land had been lost under colonization and now formed part of several different nation States.

24. Mr. Ahmed Ag Guidi, from ACORD, said that Governments had to take into consideration the ways of life of the different communities in order to avoid developing uniform policies and legislation that effectively caused discrimination. He also added that groups with special needs and problems required special protection, measures and resources. He explained that international aid only reached his region during times of crises, not in times of peace and that regular aid is necessary to assure the stability of the region and its sustainable development. Aid donors should respect the traditional way of life of nomads, as it was the lifestyle which was best adapted to the natural environment of the desert. He also stressed the importance of strengthening traditional authorities that had been essential actors during conflict resolution.

25. The representative of the African Commission on Human and Peoples' Rights, Mr. Kamel Rezag Bara, said that the right of self-determination should not call into question national boundaries. He explained that the way to advance minority rights was to focus on cultural and linguistic rights. He said that the Constitution of Cameroon was the only African Constitution which provided for protection of minority and indigenous peoples' rights. He believed that decentralization and political participation were necessary and that the aim of marginalized groups should not be to seek assistance and welfare but to take part in decision-making. He stated that national authorities had often destroyed traditional authorities or

used them to oppress local communities. He called for a partnership between the official authorities and traditional leaders in a process of reconciliation aimed at integrating modernity and development into the local culture.

26. Ms. Lucy Mulenkei, representing the African Indigenous Women's Organization, said that indigenous peoples valued their own culture and had their own ways of resolving conflict and expressing their solidarity. She underlined the importance of regular information exchange and human rights education for communities to raise awareness about their rights.

27. Ms. Samia Slimane (expert) made two comments by way of conclusion to the discussions of the first day. First, she remained convinced that the recognition and the protection of ethnic identities were a precondition for limiting the risk of ethnic conflict. She stressed the inadequacy of the abstract juridical principle of equality that States had adopted, and recommended the adoption of special measures in favour of vulnerable ethnic groups, whether in terms of their traditional rights to the land or their particular ways of life. Secondly, she welcomed the creation of a working group on indigenous populations within the African Commission on Human and Peoples' Rights and the Organization of African Unity. However, she considered that it would be important that the African Commission show flexibility in its interpretation of the notion of peoples' rights recognized in the African Charter. To limit this notion to the concept of people-State while neglecting its ethnic dimension would considerably reduce the extent of protection that could be expected from the Charter in the context of the discourse on minorities.

IV. DEVELOPMENT IN A MULTICULTURAL ENVIRONMENT

28. Mr. Khattali Mohamed Ag Mohamed Ahmed, an academic and Tuareg from Mali, referred to his studies on the application of international human rights standards to the situation of the Tuareg. In his view, the history, culture, social and economic circumstances of the Tuareg in Mali permitted them to be identified as both a minority and an indigenous people, under international human rights law. Lending support to the claim that the Tuareg civilization had been recognized, he referred to the contents of a 1994 government white paper which had acknowledged that two civilizations, nomadic and sedentary, existed in Mali.

29. In situations where the cultures of the majority and minorities differed and where strict observance of the decisions of the majority would not protect the culture of the minority, he advocated the recognition of collective rights and the implementation of the articles of human rights instruments that provided for affirmative action and positive discrimination. He outlined special measures of protection that could be applied in favour of the Tuareg of Mali, ranging from ensuring that the number of Tuareg in Parliamentary seats reflected the percentage of the Tuareg population in Mali to the possible establishment of regional assemblies with the authority to pass laws in specific fields of activity.

30. National cohesion was best served by the peaceful coexistence of different groups. Further safeguards for achieving such coexistence included the recognition of cultural diversity in national legislation and providing for cross-border cooperation between peoples. Measures for ensuring proportional Tuareg representation in the armed forces and civil service were also needed. Such measures, combined with the legal protection of the written and oral language of communities, would counterbalance the cultural uniformity promoted by the media.

31. The discussion remained focused on the situation of the Tuareg and covered such difficult issues as the origins and response to the conflict in northern Mali, including the previous claim of the Tuareg to independence.

32. As a constructive response to those concerns, reference was made to the National Pact of 11 April 1992 between the Government of Mali and *Les Mouvements et Fronts Unifiés de l'Azawad consacrant le Statut Particulier du Nord du Mali* (copies of which were distributed during the meeting). It was explained to participants that the National Pact had been drawn up to bring an end to the conflict and had gradually come about through consensus and accommodation of the differences between the majority and minority populations. As such, not all the demands of the different parties had been met. For example, the National Pact did not meet the request of the Tuareg for the territorial division of the country, and the inclusion in it of a reference to the term "autonomy" had been rejected. Nevertheless, the National Pact was perceived to have accorded a special status to the northern region of Mali and was aimed at the integration of the Tuareg and all other communities in the northern part of the country. In responding to requests for clarification with regard to the present claims of the Tuareg, Mr. Mohamed offered his personal view that it was based on the recognition and protection of culture, the fulfilment of which could not be achieved without political action.

33. Divergent views on the shortcomings of the Pact were expressed during the meeting. It was noted that while progress was being made in ensuring the integration of communities in the composition of the civil service, insufficient measures had been taken to implement economic plans and to ensure the disbursement of funds. Other stronger measures were advocated to ensure the implementation of the provisions of the National Pact, including a more consistent and serious review process.

34. Dr. Mariam Maiga spoke about the particularly important role played by women and civil society in sensitizing the majority of the Malian population to the provisions of the National Pact. She also referred to support from regional actors, especially from Algeria, as well as important contributions received from international partners for the drafting process and the future implementation of the National Pact. At the initial stage of the Pact's formulation, the sedentary population had considered that it had primarily taken account of the concerns of those who had conducted the rebellion. She explained that the majority sedentary population had not easily accepted certain aspects of the Pact. She agreed that greater progress in the Pact's implementation was needed. Despite the difficulties encountered, women continued to work for peace and the constructive resolution of differences between communities in the country.

35. Mr. Ag Guidi, speaking under item 3 of the agenda on the issue of development for minority communities and indigenous peoples, provided information on the general approach of ACORD to developmental matters. Regarding specific activities in favour of the Tamasheq speaking people, the Kel Tamasheq, more commonly known as Tuareg, he explained that the emphasis of the programmes was on responding to the needs of pastoralist communities. The absence of land security for the pastoralists was identified as a major obstacle to their development. Participants were informed that other communities in the north of Mali were better integrated into society than the Kel Tamasheq, the latter having suffered from political, economic and social exclusion, as well as severe poverty accentuated by severe drought and two rebellions.

36. Mr. Ag Guidi urged participants to call for concerted action to realize development and democracy. He believed that decentralization, supported by transparent, good governance, would help to achieve those ends. Commenting on the views of previous speakers who had referred to the weaknesses of the National Pact, he spoke of the need to reinforce confidence-building measures. Continued tolerance and dialogue were important for the resolution of conflict, and different views and interests had to be accommodated to ensure that the whole community benefited. Wherever and whenever human rights were not respected, difficulties and problems were created. Using the Tuareg as an example, he expressed the view that their present difficulties had arisen from past failure to respect their culture.

37. Mr. Ibrahim Ag Youssouf, a consultant with UNDP Mali and adviser to the peace process in the northern regions, cautioned against a simplistic compartmentalization of majority and minority populations into sedentary and pastoralist or nomadic communities. He advocated the need for the careful handling of such labels, which had often been imposed by colonial authorities (opposed to integration) and were not always accurate or helpful. By way of explanation, he pointed out that, historically, the Tuareg had not always been pastoralists. Moreover, economic realities and the exigencies of nature often required that communities diversify their field of activity. As such, all communities needed to recognize their mutual needs and reliance on each other to survive and develop.

38. Ms. Lucy Mulenkei indicated that the problems facing the Tuareg were similar to those facing pastoralists in Kenya and in other parts of Africa. She informed participants that land sharing among pastoralists and between agriculturalists and pastoralists often raised difficulties for communities living in semi-arid lands. Such issues became most acute during periods of drought when communities sought more fertile ground for their livestock or crops; such movements could develop into a source of conflict within and between countries. Similar issues were raised by Mr. Ag Guidi. He spoke about the difficulties of communities sharing meagre resources, and the present climate of perceived favouring of the agriculturalists, and called for a legal regime to be developed which protected the rights of all the various communities. The general view was expressed that inequality was a product of intolerance of cultural differences.

39. Ms. Mulenkei and other participants expressed the view that education was the key to realizing development and spoke of the need for such services to be provided to all indigenous peoples, as well as the Tuareg. There was a need to ensure that the opportunities for education of children in Kidal were equal to those of children in other parts of the country. Education within communities was also seen as essential if multiculturalism was to be respected and protected nationally. Mr. Ag Youssouf raised the point that only well informed and educated people would have the necessary influence to protect their interests and their country. In his view, education had to be the top priority, so that Tuareg and other communities were capable of voicing their views and speaking to the world. He also stressed the importance of a written tradition and historical texts in protecting the identity and culture of groups. He recognized that investment in education had to be a long-term commitment. Without it, he believed, other investments in water and support for economic development could be lost. Exclusion and unequal access to resources would remain an issue so long as only those who were more integrated into society attended school and had more control over the State apparatus.

40. Ms. Aichatou Ben Wahab, National Coordinator of the Niger Women's Coalition Against War (CFNCG), provided further details about the history of the problems faced by the Tuareg in Niger. The Tuareg had suffered for calling for a federalist State and autonomy. While those demands had been rejected, the Government had eventually opted for decentralization. The sedentary population had not supported the same demands as the nomadic groups. She observed that pacts for protecting and respecting rights were often only developed after problems arose, and thus the preventive functions of the recognition, respect and protection of the rights of minorities and indigenous peoples were neglected.

41. Ms. Ben Wahab indicated that even with decentralization, health and other services were still lacking in Tuareg areas. The vastness of those areas, which affected the delivery of services, meant that they should be given priority for development. Priority should also be given to reintegration of former rebels into society and to providing them with employment. Their proportional recruitment into the armed forces and civil service was also vital, she indicated. She spoke out against electoral fraud as it affected particular communities, as well as against the discriminatory effects of the tax system on the pastoralist communities which, in some cases, were a legacy of the colonialist period. Lastly, she called for all communities to be given a fair share of the national product.

42. Agreement was expressed with many of Ms. Ben Wahab's comments concerning the difficulties encountered by pastoralist and nomadic communities in their quest for development. The issues raised were considered common to various communities and regions, where populations had difficulty in being integrated into the development of their country. The Tuareg were recognized as one of many examples of a community suffering from high illiteracy and a paucity of educational and health services.

43. During the course of the meeting, participants made mention of not only the key role of States in drawing up and promoting solutions but also the constructive and complementary role to be played by the internationalization of finding solutions to problems, where difficulties were encountered in relying solely on national support. It was indicated, for example, that donor support was currently being sought to help implement the provisions of the National Pact in Mali. However, it was indicated that, in other situations, difficulties arose in attracting external funds for investment where the development of a region was not considered to be sufficiently profitable. In that regard, reference was made to a case where international financial institutions could have, but had not, played a role in building roads and other communications' infrastructure.

44. Poor management of the transfer of resources and injustice in the distribution of resources were also viewed as causes of many of the problems facing minority communities and indigenous people. Another potential source of problems identified was the failure to provide for policies of cross-border cooperation between those indigenous and minority communities separated by frontiers imposed during the colonial period that had not taken account of the composition of different States' populations.

45. General suggestions were put forward for improving the situation of different communities. The recognition in Constitutions of cultural diversity was viewed as an important safeguard of the traditions and identity of minorities and indigenous peoples. So too was

legislative protection of the linguistic rights of minority and indigenous communities at the national level. It was also stated that all national resources had to be shared on an equal basis throughout the country. Further suggestions related to the need to have minimum representation of different communities in all institutions within a country, and for respect not only of individual rights but also collective rights to land and culture. By way of example, it was suggested that the protection of such rights could best be protected through the establishment of special institutions, such as a Council of Tuareg Minority People.

46. Participants reflected upon such concepts as regionalism and federalism, autonomy and decentralization. They sought to clarify the meaning of the term "autonomy" and its similarity to or difference from "decentralization". Generally, decentralization was perceived as a more readily acceptable term to describe, inter alia, greater local control over decision-making. The view was expressed that while decentralization might have been accepted de jure, sufficient resources had not always been made available to ensure that it worked in practice. Participants were also informed that requests for federalism and accompanying territorial autonomy had in certain instances been rejected as a mode of governance. A lack of familiarity with that mode of governance, including from colonial times, was considered to be one of the factors inhibiting its acceptance. The principle of autonomy had not been rejected everywhere, it was said. It had been accepted in the Constitution of Ethiopia.

V. THE ROLE OF INTERNATIONAL AND REGIONAL ORGANIZATIONS

47. With respect to item 4 of the agenda relating to international developments, Mr. José Bengoa, expert member of the Working Group on Minorities, offered a brief history of the development of the concept of minorities. He spoke of its association with past events in Europe and the functioning of the former multicultural Russian and Austro-Hungarian empires as protectors of the minority rights of peoples inhabiting their territory. Following the collapse of those empires, the League of Nations had taken up the task of protecting minorities, which had then been inherited by the United Nations, although the first session of the Working Group on Minorities had met only in 1995. Regarding the definition of minorities, he indicated that communities referred to as minorities were generally composed of a numerically relatively smaller population in the country in which they lived that suffered from marginalization on account of their limited access to political, economic and social power.

48. In the case of the term "indigenous populations" or "peoples", it was indicated that it had originated in the Latin American region and had been attributed to the first nations existing there prior to transatlantic colonialization. The Latin American situation offered a clear view as to the original peoples and descendants of foreigners in that continent. The situation in the African region with regard to trying to determine which people were originally settled on particular tracts of land was made more complex by the migratory patterns of different communities over the centuries. Nevertheless, bringing clarity to these issues in the context of the African and Asian situation was important, Mr. Bengoa said, in order to advance an understanding of human rights law applying to minorities and indigenous peoples; in that respect, the experience and contribution of the persons most concerned with indigenous and minorities issues in those two regions were essential.

49. The representative of OHCHR spoke about the Working Group on Indigenous Populations, which, since its establishment in 1982, had developed into a meeting of almost 1,000 participants with a focus on the issues of the traditional rights of peoples, their affinity and attachment to their land, and the protection of their sacred sites. He spoke of the importance of encouraging greater African governmental interest in the Working Group's proceedings, especially in the light of concerns that had been raised during the present workshop and in the previous meeting in Arusha. He mentioned that through international cooperation with United Nations organizations, indigenous peoples had begun addressing the question of the protection of their collective rights and their control over health and education. Participants were informed that the newest initiative for the international consideration of indigenous peoples' issues was the establishment of a permanent forum. The Permanent Forum on Indigenous Issues to be instituted at the level of the Economic and Social Council was considered an important instrument for indigenous peoples to influence decision-making. The Forum was to be composed of 16 independent experts serving in their personal capacity, half of whom would be nominated by Governments and the other half would be indigenous experts appointed by the President of the Council following consultations with Governments and indigenous organizations. He also mentioned the various meetings being organized around the World Conference against Racism, to be held in Durban, South Africa from 30 August to 7 September 2001, and the importance of contributing to that process.

50. Mr. Hassan Id Balkassam drew attention to the experience his organization had gained from following the evolution of standards and practices in relation to the promotion and protection of the rights of minorities and indigenous peoples. He indicated that while the Universal Declaration of Human Rights of 1948 had not contained a provision relating to minorities, that omission had been rectified in 1966 with the adoption of the International Covenant on Civil and Political Rights, including the provisions of its article 27. International interest in the situation of indigenous peoples and minorities had not been confined to the Commission on Human Rights. The ILO had adopted Convention No. 107 in 1957. He drew attention to the drawbacks of that Convention. It was perceived as more concerned with the integration and assimilation of indigenous peoples, without fully respecting their identity and culture. That lacuna was said to have been addressed in ILO Convention No. 169, adopted in 1989, which took account of the right of indigenous peoples to self-identification and to the preservation of and respect for their traditions and languages. The speaker confirmed that his organization had become involved with indigenous peoples' work after following the meetings of the World Conference on Human Rights in 1993. The self-identification of his people as an indigenous people and not a minority could be traced from then. He also drew attention to the future World Conference against Racism and related meetings, and reminded participants that the current meeting in Kidal was the first in Africa to hear of the setting-up of the Permanent Forum on Indigenous Issues, it having only been formally approved in December 2000. He urged participants to involve themselves in the process of choosing the indigenous peoples' representatives to the Forum.

51. Many participants indicated their interest in receiving more information more regularly from the United Nations on new developments at the international level. A similar sentiment was expressed regarding developments at the regional level, such as the setting up of a future African Commission working group on indigenous populations. As a consequence of the interest expressed about international developments, clarification was requested as to the balance

between the international and national systems for the protection of the rights of indigenous peoples and minorities. That request helped focus attention on the basic usefulness of international mechanisms as a catalyst for change at the national level, but not as an alternative to national action.

52. The relationship between international, regional and national efforts to address minority and indigenous issues was again highlighted following comments by Mr. Jules Batchono of the Secretariat of the African Commission on Human and Peoples' Rights. He drew attention to the difficulties of raising indigenous and minority issues in Africa when there was insufficient agreement on their definition. He indicated that, in certain instances, resorting to the use of the terms "minorities" and "indigenous" could even become part of the problem in responding to the needs of such communities and peoples. For example, the concept of indigenous peoples had been linked to separatist or liberation movements, including in the context of decolonization. On the other hand, persons raising minorities issues had been viewed as opponents of the Government, on account of their recourse to a concept emanating from Europe and perceived as offering protection to foreigners. As such, the usefulness of these terms in Africa was deemed to be deserving of further careful consideration.

53. With the aim of moving the discussion forward, several participants expressed a preference for describing indigenous peoples and minorities as "excluded or marginalized communities, peoples or groups", it being agreed that unequal opportunities for development and unequal access to State resources and decision-making, as well as lack of protection of their culture, were criteria which served to distinguish indigenous peoples and minorities from other communities or groups.

54. Participants discussed ways and means of addressing issues of concern to indigenous peoples and minorities, greater local access to and control over resources being viewed as one method of alleviating their difficulties. It was pointed out, however, that if local administrations were to operate effectively, sufficient resources had to be made available to them.

55. Further discussion revealed that while decentralization as a concept had gained currency in various countries of the region, the same did not hold true for autonomy or the rights of indigenous peoples to self-determination as concepts. Following the reflections of Mr. Hassan Id Balkassam on the issues of federalism, autonomy and self-determination as a revitalization of democracy within the State, participants considered those issues. One view expressed was that it was premature to talk about autonomy for indigenous peoples and minorities, or about the self-determination of indigenous peoples, where that called for the disengagement of the State.

56. Other views expressed included recognition that the State and Government were responsible to the whole society and for providing the structures to ensure respect for diversity and the protection of identity and cultures. It was suggested that the protection of culture was even more necessary given the negative impacts of globalization. As such the question to be discussed, in the view of participants, was how to construct the institutions of a State and nation to respect diversity and protect identity and cultures, especially in the era of globalization.

57. Mr. José Bengoa said that the question of autonomy was a very complicated issue that was being discussed in various forums around the world, including in national parliaments. He provided examples of claims of indigenous peoples and minorities for greater control over resources and culture within the unity of the State. He spoke of the dangers of any autonomy conceived in isolation and which failed to respect the needs of a society as a whole, as well as its diversity. As such he rejected any notion of autonomy which supported the "politics of reservations", permitting the hidden domination of one group by another or the separation of one group from the rest of society. He emphasized that inter-culturalism and multiculturalism were vital concepts for addressing the problems of excluded and marginalized groups and communities, especially given the mosaic of communities and peoples living in the countries of Africa.

58. Mr. Kamel Rezag-Bara said that the African Commission was interested in dealing with minority and indigenous issues within the African context. He explained that despite the recognition in the Constitution of Cameroon of the existence of minorities and indigenous groups, it had not been agreed that the African Commission would include the term minorities in the title of its working group on indigenous populations. He suggested that the United Nations should consult closely with the General Secretariat of the Organization of African Unity with a view to sensitizing countries to the issues of minorities and indigenous populations and their relevance within the African context. He believed that any hostility which had existed to the concepts of indigenous peoples and minorities would be overcome, on the understanding that the basis for such claims was the protection of the rights of groups to their identity and culture, while ensuring the integration of all communities and groups within the State. He also clarified that such rights were to be protected and promoted on the basis that members of such groups were citizens of the State and not through self-determination as a right of secession.

59. In order to promote better protection of minorities it was suggested that consideration should be given to the possibility of setting up national observatories to look into such matters. Mr. Ag Youssouf of UNDP added that, in his view, a new situation existed, in which people wished to have their rights protected and needed the means to do so. Education and information were vital tools to that end. It was also stated that real concern existed on the part of communities; they feared that without equal access to resources they would not only lose their culture but also the chance to modernize. With a view to assisting more communities to be aware of their rights and to make use of the various mechanisms for their protection, it was suggested that future meetings on indigenous peoples and minority rights should ensure the participation of those people who had no access to non-governmental organizations.

VI. CONCLUSIONS AND RECOMMENDATIONS

60. Ms. Lucy Mulenkei presented a draft text containing the conclusions and recommendations of the workshop. Participants made a number of suggestions for changes and additions. Participants also called for greater dissemination of information and closer cooperation between international and regional human rights mechanisms.
Mr. Kamel Rezag-Bara suggested that the Kidal Declaration should be translated into the local language of the region, Tamasheq. Additionally, it was suggested that further efforts should be undertaken to analyse the concept of indigenous peoples, particularly within the African context.

61. At its concluding meeting on 12 January 2001, participants adopted the following Declaration:

Kidal Declaration on Indigenous Peoples and Minorities in Africa

Participants meeting at the Second Workshop on Multiculturalism in Africa: Peaceful and Constructive Group Accommodation in Situations involving Indigenous Peoples and Minorities in Kidal, Mali from 8 to 12 January 2001, expressed their gratitude to the Agency for Cooperation and Research in Development (ACORD), the Chairpersons of the Working Group on Minorities and of the Working Group on Indigenous Populations, and the Office of the United Nations High Commissioner for Human Rights for organizing the workshop. They also recognized the important support provided by the United Nations Development Programme in Mali and by the Malian authorities.

Participants recognized the complexity of the concepts of indigenous peoples and minorities in Africa, noting that some participants identified themselves as "indigenous peoples", some as "minorities" and some by another term, and encouraged further dialogue among the different peoples of the continent on this issue.

Participants welcomed the participation of the representatives of the African Commission on Human and Peoples' Rights in the workshop and the establishment of a working group on indigenous populations by the Commission.

Participants called upon African Governments to:

Recognize the cultural identity and existence of indigenous peoples and minority groups in Africa;

Combat discrimination against and marginalization of indigenous peoples and minorities in areas such as education, health and development, and take special measures to protect and promote their economic, social and cultural rights;

Recognize that indigenous peoples and minorities are often the victims of conflict in Africa, undertake research on the causes of inter-ethnic conflict and promote dialogue between indigenous peoples and minorities and Governments;

Recognize the fundamental role played by women in peace-building in Africa and support their initiatives;

Recognize the difficulties faced by the Tuareg people and promote the implementation of the National Pact concluded between the Government of the Republic of Mali and the Movement and Unified Front of Azawad of 11 April 1992;

Build partnerships between traditional elders and governmental authorities at the local and national levels;

Respect and implement the African Charter on Human and Peoples' Rights;

Respect international human rights instruments protecting the rights of indigenous peoples and minorities, including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and ratify Convention No. 169 on indigenous and tribal peoples of the International Labour Organization;

Recognize the need to build culturally appropriate development programmes in cooperation with indigenous peoples and minorities as a means of promoting their integration and ensuring peace and stability in the region;

Support appropriate development activities for nomadic and pastoralist peoples;

Include representatives of indigenous peoples and minorities in governmental delegations to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

Participate actively in international and regional meetings on indigenous peoples and minorities, including the United Nations Working Group on Minorities and Working Group on Indigenous Populations, the working group established to elaborate a draft declaration on the rights of indigenous peoples and the Permanent Forum on Indigenous Issues established by Economic and Social Council resolution 2000/22.

Participants called upon the African Commission on Human and Peoples' Rights to:

Invite non-governmental organizations dealing with indigenous and minority issues to participate in the new working group on indigenous populations;

Set up a fund to assist representatives of African indigenous peoples and minorities to participate effectively in the new working group;

Consider establishing a working group on minorities.

Participants called upon the Office of the United Nations High Commissioner for Human Rights to:

Ensure the participation of representatives of indigenous peoples and minorities in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and provide the funds to facilitate their participation;

Organize further workshops and seminars on multiculturalism, indigenous peoples and minorities in other subregions of Africa;

Establish a voluntary fund for minorities, as has been done for indigenous peoples, to assist representatives of minorities to participate in the United Nations Working Group on Minorities and other relevant human rights meetings, and to carry out their own development projects;

Strengthen its ties with the African Commission on Human and Peoples' Rights on questions relating to indigenous peoples and minorities;

Ensure that the paper prepared by Samia Slimane for the workshop on the regional legal framework be made available to the seventh session of the Working Group on Minorities and the nineteenth session of the Working Group on Indigenous Populations in all working languages;

Submit the report of the workshop to the seventh session of the Working Group on Minorities and the nineteenth session of the Working Group on Indigenous Populations in all working languages;

Make available the present declaration to the regional meeting for Africa for the World Conference against Racism, taking place in Dakar, Senegal from 22 to 26 January 2001.

Participants called upon African non-governmental organizations, indigenous peoples and minorities to:

Organize workshops and seminars to promote and protect the rights of indigenous peoples and minorities and raise awareness and disseminate information about their situations;

Participate in local, national, regional and international processes concerning indigenous peoples and minorities.

62. Following the adoption of the Kidal Declaration, the Chairperson Rapporteur thanked all the participants and organizations which had contributed to the successful outcome of the meeting and a fruitful exchange of views on indigenous and minority issues in the region. He asked for the widest possible dissemination of the Kidal Declaration.

63. On behalf of the two United Nations working groups, on minorities and indigenous populations, Mr. José Bengoa expressed his appreciation of the richness of the discussion during the meeting. The usefulness of such seminars, he said, was that they formed part of a process for recognizing the issues important to different peoples, groups and communities; and reflection on such matters was vital. He was of the view that the concepts, theories and policies raised during this meeting should also be studied in the Working Group on Minorities. Real democracy only existed when there was acceptance of differences and tolerance of diversity. Greater efforts were essential to ensure the continued existence and recognition of minorities and indigenous peoples. With respect to the African region, he spoke of the wealth of diversity of its people and how important it was that the richness and strength of its culture should not be lost.

64. Mr. Kamel Rezag-Bara spoke of the value of supporting a multicultural approach to address the issues facing indigenous peoples and minorities, including for recognition of the identities of different groups in Africa. Although the African Commission had only recently embarked upon addressing the questions of indigenous peoples and minorities, the participation of the Commission at the meeting represented a commitment on the part of the Organization of

African Unity. He spoke of the intention of his organization to integrate the rights of indigenous communities and minority groups within approaches for realizing development.

65. Ms. Saoudata Walet Aboubacrine expressed the wish that support be given to the holding of further regional and national workshops and for the provision of expertise to assist in the development of national plans.

66. A representative of OHCHR expressed the wish of OHCHR for continued cooperation with the regional and national organizations and their representatives.

67. Mr. Ahmed Ag Guidi informed participants that the results of the meeting would be shared with people in the rural areas by means of a radio cassette on the meeting that would be produced by journalists.

68. Mr. Manayat Ag Mohamed, President of the Regional Assembly, in his closing remarks expressed his sincere wish that the Tuareg and other civilizations would prosper.

Annex

LIST OF PARTICIPANTS AND OBSERVERS

Mr. Hassan Id Balkassam
Association Nouvelle pour la Culture et des
Arts Populaires (ANCAP-Tamaynut)
Morocco

Ms. Lucy Mulenkei
African Indigenous Women's Organization (AIWO)
Kenya

Mr. Kamel Rezag-Bara
Vice-Chair
African Commission on Human and Peoples' Rights

Mr. Jules Batchono
Legal Officer
African Commission on Human and Peoples' Rights

Ms. Teody A. D. Lotto
Sudanese Women's Voice for Peace

Mr. Richard Apronti
Ghana Committee on Human and Peoples' Rights

Mr. Allanreny Camara
Organisation Guinéenne de Défense des Droits de l'Homme et du Citoyen
Guinea

Mrs. Aichatou Ben Wahab
National Coordinator
Niger Women's Coalition Against War (CFNCG)

Dr. Mariam Maiga
President, Coalition Nationale de la Société Civile pour
la Paix et la Lutte Contre la Prolifération des Armes Légères
Mali

Mr. Ibrahim Ag Youssouf
Adviser
UNDP Mali

Ms. Saoudata Walet Aboubairine
Coordinator and President
Tin Alhane, Burkina Faso

Mr. El Abasse Ag Intella
Mayor, Commune of Kidal

Mr. Manayat Ag Mohamed
President
Regional Assembly, Mali

Mr. Ahmoudane Ag Ikmass
First Deputy to the Mayor of Kidal

Mr. Ahmed Mohamed Ag Guidi,
Ms. Salwa Wallet Sidi
Mr. Ekamel Ag Sidi
ACORD, Kidal, Mali

Mr. Khattali Mohamed Ag Mohamed Ahmed
Academic and Tuareg
Mali

Mr. Rhissa Ag Rotbou
Teacher

Mr. Ibrahim Massouda
Ex-combatant

Mr. Cheick Ag Baye
Kidal, Mali

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Animatrice

Mr. Mohamed Ben Bahmed
Teacher, Kidal

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Teacher, Mali

Ms. Fama Walet Idal
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Ms. Samia Slimane
Expert

Mr. José Bengoa
Member of the Working Group on Minorities

Secretariat

Ms. Fiona Blyth-Kubota
Mr. Julian Burger
Ms. Isabell Kempf
Office of the United Nations High Commissioner for Human Rights

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